

Caldwell (6.)

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A DISCOURSE

ON THE

VICE OF GAMBLING,

DELIVERED, BY APPOINTMENT,

TO THE

Anti-Gambling Society of Transylvania University,

NOVEMBER 2ND & 3RD, 1835,

BY CHARLES CALDWELL, M. D.

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PUBLISHED BY ORDER OF THE SOCIETY.

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DISCOURSE.

GENTLEMEN:

An object of no ordinary import has called us together. We are bound therefore to regard it with a corresponding degree of attention and interest. It concerns not merely the correctness and purity of our own lives, our safety from impending and manifold mischief, and the discharge of a duty to a few of our contemporaries. No; its scope is much wider, and its end more momentous. Extending in its influence far beyond ourselves, and those with whom we are immediately connected, it involves the moral standing and general character of the community we live in, and bears prospectively on the interests of posterity. Ages hence, when we shall be forgotten, our descendants may feel it in their characters and fortunes. Nor is it limited in its action to sublunary concerns. The stamp and bias which the mind may receive from it, in its present state of existence, can hardly fail to pass with it into another, and cling to it interminably.

This is the first anniversary of a solemn compact, in which we pledged to each other and to the world our honour and good faith, not only to refrain ourselves from a certain specified and pernicious practice, but to do all in our power to disown and suppress it. The latter element of this obligation devolved on us the duty of endeavouring to dissuade others from indulging in the deprecated evil, and to affix on it the odium and reprobation it deserves. In its influence on each of us, therefore, the occasion is calculated to be deeply impressive.

Twelve months have elapsed, since, as officers and sons of Transylvania University, we associated ourselves, in this Hall, against the **VICE OF GAMBLING**; and we have met again to commemorate the event. In speaking of that event and its con-

sequences, I beg to be considered as having no reference to the humble part I performed in it personally. My remarks will be commemorative of the performances of others. As far as my fellow members were concerned in the transaction, they have discharged their duty nobly, and are not only entitled to the thanks of their fellow citizens, but are also privileged to look back to their patriotic association, with feelings of mutual gratulation and triumph. It was the first blow of the kind that had been struck in the West, and the first but one in the United States, against the fraudulent and nefarious practice, that constituted its object. Nor can it fail, wherever it may be made known, to redound to the honour of the individuals who aimed it, and to the credit of the institution, under whose auspices it occurred. Such will be the reward of the society I address, as long as crime shall be viewed with abhorrence, and promptitude of action, in the suppression and prevention of it, receive the approbation of the virtuous and the enlightened.

That the movements in Transylvania against the vice of gambling have been highly beneficial, it would be skepticism to doubt, and injustice to deny. They saved from the insidious machinations of the BLACKLEG many of your fellow pupils, who might have otherwise fallen victims to them, and gave a salutary warning to the unsuspecting to beware. As far as could be ascertained, not a card nor a die was thrown, nor a game of hazard of any kind indulged in, during the session of last winter, by a single pupil belonging to this school. That was indeed "a consummation devoutly to be wished," and was fairly attributable to the formation of the society. The mutual pledge of the members not to gamble was honorably redeemed by them; and the *few* pupils who did not *formally* renounce the evil, notwithstanding, refrained from it. Nor do I permit myself to doubt, that the present class, individually and as a body, will follow an example so highly meritorious. More honorable still; I trust they will set an example to be followed by their successors.

Nor did the Society benefit alone the members of the University. Its influence on the inhabitants of Lexington was

striking. A long standing and pernicious custom pursued by many of them, was thrown into disrepute and nearly extinguished by it—at least for the season. My allusion is to **FAMILY GAMBLING**, the *fell and fatal root of the entire evil*. As far as information was received, but one attempt was made last winter, in any family of note, to *desecrate the fire-side*, by that once fashionable scene of corruption and mischief, a “social whist party.” And, to the joy of all who were friendly to Lexington, its institutions, and its youth, that proved a failure. None but a few of the most stanch and veteran members of the “Club” repaired to the rendezvous of *unhallowed cupidity*, and *cozenage in disguise*. Nor did even *they* proceed in the *forbidden enjoyment*. For once their hardihood forsook them, and the cards lay neglected. Mortified and dispirited at their reduced numbers, and disappointed hopes of play and plunder, they dispersed at an early hour, to mourn, as may be supposed, in solitude and silence, over the *degeneracy* and *defection* of their *craven associates*, and the perishable nature of *sublunary bliss*! Such was one of the earliest trophies of our *infant association*. Though the serpent that had long shed its poison through the community was not strangled in its grasp, it was maimed and discomfited.

In further commendation of our society and its operation, it was not limited in its salutary influence to Lexington alone. It made a lively impression on most of the neighbouring towns and cities, and was felt throughout a large portion of the Mississippi Valley. To myself individually, as well, I doubt not, as to many others, numerous applications were made for copies of our Constitution, of an address that was delivered on the occasion, and of reports of our proceedings, accompanied by flattering messages, expressions of thanks, and confident assurances that our example would be followed. And I rejoice to inform you that those assurances are beginning to be realized by the formation of anti-gambling societies in every direction. At length is the axe about to be applied to the forbidden tree; and the moral upas, that has been long taking root in our country, and poisoning every breeze with its dead-

ly emanations, will fall with a crash, destructive to those, by whom it was planted. May appearances be trusted, the time is approaching, when professional gamblers will be no longer suffered to go at large in society; and when family gambling will be also suppressed, or when those who may persist in it will be thrown into an odious fraternity by themselves, shunned by the virtuous and honorable, pointed at by the scornful, and pitied by the compassionate on account of their fallen fortunes, and degraded condition. And, at whatever period this desirable consummation may occur, the Anti-Gambling Society of Transylvania will have been highly efficient and distinguished in its production. It will be remembered and hailed as a patriotic corps, that aroused the people by its early summons, animated them by its spirit, and led them to the onset.

Such is a hasty and brief recital of what we have already done, and such the brightening prospect before us. Our morning dawn has been benignant and propitious, and, if we continue true to ourselves, and persevere with steadiness in the work we have commenced, we have the promise of a day of usefulness and glory. Recent occurrences, as well in other places, as in our own city, indicate the present time as a crisis peculiarly favourable for action. The tide is up, and, if taken at the flood, will bear us on its bosom to the haven of our wishes. But, if neglected, and allowed to pass away, its ebb may be final; and even the star of hope, that has cheered us in our efforts, obscured by our delinquency, may desert us forever. Never perhaps before has there been a conjecture so auspicious to the enterprise we are engaged in. Public sentiment and a newly awakened sense of public danger are vigorously in our favour; and these, when brought into active co-operation, are irresistible. To give them full effect, under existing circumstances, is as easy as to will it. Even now are thousands of our fellow citizens prepared for the summons invoking them to the conflict. And "**DESTRUCTION TO GAMBLING, AND CONFUSION TO ITS ADVOCATES,**" is a motto they would willingly inscribe on their banners.

Nor, as has been just intimated, is it in this region alone that

all things are in readiness. Throughout the land, if signs are not deceptive, a similar state of preparation exists. Every where is the harvest ripe for the sickle, and promises to labourers an abundant reward. And where is the man of a sound conscience, and possessed of feelings that deserve to be called religious, so deaf to duty, and so regardless of his own and the public welfare, as to shrink from service, and remain inactive, on an occasion at once so cheering and imperative! I reply unhesitatingly, that such a man does not exist; and that he who, making a profession of morality and religion, refrains from action, at such a conjuncture, *professes merely, and is practically a hypocrite*—or a *moral coward*—a *time server* of some kind. Am I told that this language is unceremonious and harsh? Be it so. It is notwithstanding true; and as to ceremony, soothing tones, and silken expressions in a case like the present, I give them to the wind. When the gangrene is deep and the disease desperate, lenitives are fatal. The knife and the caustic must be employed—or the patient dies. If no such individual as I have designated exist, I have given no cause of offence; and if there be any such, whether his condition is high or low, and whether he is a clergyman or a layman, he has much more reason to be offended with himself than with me, and deserves a severer rebuke than I have given him.— And such rebuke is in store for him, from his conscience or his God. His inaction is criminal, because it tolerates crime, which he might aid in suppressing.

But, in every undertaking, measures and means are no less necessary, than a readiness to employ them. To insure success in our present enterprise, not only must we have the resolution to act; competent schemes of action must be devised, and all things requisite to their accomplishment provided. A few remarks on these topics, therefore, will not, I flatter myself be considered out of place. The more effectually, however, to nerve us for the contest, and confirm our resolution not to abandon it, let us contemplate, for a moment, the character of the evil we are anxious to exterminate.

As already mentioned, we have put ourselves in array a-

gainst the vice of GAMBLING; and that is a term of hideous import. A picture of the flagitious scenes of a GAMING HOUSE would be the best exposition of it—the only one indeed that could competently portray it. But to furnish that, in the strength of feature and character that belongs to it, is a task too arduous for me to attempt. What my eyes have beheld in those abstracts of abomination, my language is wanting in power to express. It would be hardly extravagant to say, that Dante and Milton might have culled materials from them, to heighten the intensity of their burning delineations of the REGIONS OF WO. The term GAMBLING implies an incorporation of all that is corrupt and nefarious in principle, seductive in example, and ruinous in effect. It makes irrevocable havoc of family, fame, fortune, morality, social endearment, private worth, and public usefulness, and of every thing else that renders youth lovely, age venerable, or life desirable—of every thing that does honour to the living, or embalms and hallows the memory of the dead. If there be a human bliss which gambling does not embitter, or an earthly good which it does not deteriorate, I am a stranger to both. And if there be a single vice or mark of turpitude, ruinous to man and hateful to Heaven, which does not follow in its train, its name would be new to me.

On a former occasion, not dissimilar to the present, I pronounced gambling identical in principle, and therefore in class, with robbery, and theft, pocket-picking and piracy, and whatever other form of crime a want of conscience, and a lawless cupidity of gain can engender. I further declared it to be a relic of barbarism, resorted to by the ignorant, uncultivated, and tasteless, to fill up the mental vacuity, and remove the tedium which idleness produces. And I now not only repeat and affirm the opinion then advanced, but confidently add, that the same individuals, who, by one train of circumstances, are converted into gamblers, may, by other trains adapted to the several modifications of vice, be transformed to robbers and thieves, pick-pockets and pirates. The characters and their crimes are congenial, and readily transmutable into each other.

In confirmation of this, nothing is more common, than for a daring gamester, who has been beggared in one of the "Hells" of London, to appear soon afterward a successful highwayman on Shooter's Hill, or Hounslow-Heath. And, in Paris, the same desperado is one night a gambler in the Palais Royale, the next a pick-pocket in the Rue St. Denis, and the third a footpad in the Champs d'Elysees. And whole crews of pirates, and bands of conspirators have been composed of the wreck and refuse of gaming-houses. We are told distinctly by the Roman historian, that Catiline and his chief confederates were a corps of beggared and desperate gamblers. Nor do I hesitate to subjoin, that when the *professional* gamblers of the United States shall be driven from their trade, as they certainly must be, they will resort to some form of *positive* and *technical* felony. As to *gentlemen* gamblers, many of them will probably content themselves with swindling, or some other sort of sinister employment, less dangerous than theft or robbery—though equally disreputable and immoral. Industry and sober honesty will be too insipid for them. They will be like distilled water to the habitual sot, whose palate is callous to every thing milder than *concentrated alcohol*; or like pulverized starch to the veteran snuff-taker, whose nostrils have been regaled with "*Irish black-guard.*" But, be the change what it may, society will be benefited by it. A *gentleman* gambler is worse than a swindler, because he is more seductive and treacherous in his malefactions; and a black-leg is the most nefarious and dangerous of felons. Independently of his own fraudulent and flagitious transactions, a gambler, whether *gentlemanly* or *professional*, makes more thieves and pilferers, than perhaps all other offenders united. This he does by seducing clerks to pilfer from their employers, servants and apprentices from their masters, husbands from their wives, sons from their parents, brothers from their sisters, friends from friends, and strangers from strangers, to make an offering of the unhallowed gain at his polluted shrine. This he does in instances numerous beyond calculation. A deplorable example of the kind occurred very recently in this city. A young man of a character once

irreproachable, and of highly respectable family connections, was despoiled at the card table of all he possessed. Unable to leave the place, in this state of destitution, he robbed a fellow lodger, was detected, imprisoned, and ruined for life! When on his way to the dungeon, he confessed to the officer who conducted him, and afterwards in open court, that gambling had been the cause of his misfortunes and crimes. And thousands of others have made similar confessions, when about to be executed for capital offences. Gambling taught them first to steal, then to rob, and next to murder, which brought them to the gibbet.

The addition made by the black-leg to the hosts of the *intemperate* is also abundant. Though he rarely drinks to intoxication himself, he sits in grim sobriety and makes others drink, that they may surrender themselves the more certainly and helplessly to his toils. The vice of intemperance in drink is almost the only one from which he is exempt. And, as just represented, he abstains from that from vicious motives, and for atrocious purposes—that he may succeed the better in his schemes of felony. Such is the unqualified turpitude of his character, that it is scarcely possible for him to do a praiseworthy action from a praiseworthy motive. To *moral* and *virtuous purposes* he is a stranger, be his occasional *performances* what they may. Is he, at times, apparently generous and charitable in his feelings, and munificent in his contributions? He is in quest of popularity and favour, that he may perpetrate his iniquities the more successfully and on a broader scale; and that, in case of detection, arrest, and trial, he may find adherents to procure his acquittal, or aid in his escape—or perchance to obtain a pardon for him from some State Executive! And, by such means, he frequently gains a dangerous influence.—I have said that gaming promotes intemperance. In proof of this, every gambling-house has its appendix of grog-shops. And those profligate sinks of intemperance and riot, are hotbeds also of games of hazard. Gaming and drinking therefore are mutual auxiliaries, in the corruption of morals,

and the production of crime. But the former is unspeakably the most atrocious.

That assassination, and all forms of individual violence and dissoluteness enter into the aggregate of evils that cluster around the vice of gambling, has been long known to us. But a new and more inhuman element has recently appeared in the fell incorporation. I allude to the conspiracy between black-legs and horse-thieves, robbers and rebellious slaves, to spread conflagration and havock through the south. Were their other offences less deep and dammatory than they are, that attempt alone furnishes ample ground to the governments of the slave-holding states to act toward them with unprecedented vigilance and severity. It proclaims in a tone of authority not to be questioned, much less resisted, that no professional gambler should be suffered to reside in those States, in the enjoyment of his freedom. He should be banished in conformity to a law enacted for the purpose, or committed to the penitentiary and hard labour for life. Nothing short of this will exterminate the race; and to permit their existence and freedom, is to invite ruin. Their reformation is hopeless—at least while they are surrounded by temptations and chances of forbidden gain. Nor should legislative measures be confined to them alone. They should extend to all persons who practise any game or sport of hazard, where money or property is staked, that the fraudulent custom may be entirely suppressed. To win and extort money, by one sort of betting, is as immoral as by another. For a two-fold reason the slave-holding states are peculiarly interested in these precautions. To their injury and disgrace, they are the principal hotbeds of gamblers; and, from the character of their population, such felons and vagabonds are dangerous to their peace, as the event referred to has satisfactorily shown.

It is not unknown to me that certain eastern writers, and other noisy meddlers, at a distance, have censured the prompt and stern proceedings of our brethren of the south, in relation to gamesters, murderers, and their associates. Captious and obtrusive railers, what have they to do with a matter that in

no way concerns them! What do they know about the ground of the immediate determination and decisive action of the people they condemn! and what of their *irresistible necessity* to act, and of the ruin that *vacillation* or *delay* might have produced! The State of Mississippi was threatened with an insurrection and a *servile war* (always the most sanguinary and unsparing of wars), and black-legs and horse-thieves, *steam-doctors*, and *itinerant preachers*, were to lead the slaves to pillage and massacre. By a gang of desperadoes the murder of a brave and distinguished citizen was already perpetrated—the first act in the tragedy whose catastrophe was to consist in the desolation of the country! A commencement so appalling called imperatively for vigorous re-action. At a crisis so awful, when the volcano of the passions was ready to open, what was to be done? The blood of thousands of the orderly and virtuous—women and children, innocence and beauty included in the reckoning—and the agony and despair attending such disasters, were weighed, on one side, against the blood of a few felons and conspirators on the other, whose lives had been nothing but a register of crimes, and were perhaps already forfeited to violated justice. Infinite disparity! At such a conjuncture a blow must be struck, as well to intimidate and quell the foe, as to reduce his numbers. Decision and promptitude were essential to safety. To pause was to perish. When the assassin's knife is already bared, and at the throat of his victim, who that is sane and has manhood in him, will await the delay of a judicial process, before he strikes the murderer dead? He that weakly demurs, under circumstances so pressing, insures, if he does not invite, the immolation of the innocent, and is accessory to the deed!—at least in conscience, if not in law. So thought the patriotic and high-spirited Mississippians, and their measures corresponded to the peril that surrounded them. To prevent a promiscuous and wide-spread scene of burning and butchery, they devoted to the cord, without all the technical formalities of law, a few notoriously guilty culprits, who were a curse to society, and

a scandal to their race. By such proceeding the surviving murderers were terrified and banished and the conspiracy defeated, and peace and security restored to the community.

Such were the motives and such the consequences of the measures adopted; and they were the dictates of humanity, as well as conformable to the laws of necessity, and the spirit of self-defence. Yet their authors, I say, are denounced by a few shallow and censorious news-mongers, who are ignorant of their subject; and who, reposing in calm security at home, are reckless of the perils of their fellow-citizens at a distance; but who, had they been on the spot, when the tempest was ready to break, their wives and children trembling and weeping and clinging around them, and imploring protection and safety at their hands, would have not only concurred but co-operated with their countrymen in the stern work of prevention adopted—or, in the estimation of the manly, would have forfeited the names of HUSBAND and FATHER! The horrors of St. Domingo are to be renewed in our country, until the waters of the Mississippi, already reddened and reeking with blood, shall reflect the glare of the midnight conflagration; yet the destined victims are not to protect themselves, and avert the catastrophe, except through the windings of courts of law?—And on what ground?—from motives, I reply, of a sickly and spurious clemency towards black-legs and their associates! In all this prosing and canting about law and the rights of trial by jury, there is, IN THE PRESENT CASE, as little of humane feeling, as of sound judgment. The mere *show* of justice to the *few* and the *profligate*, in the form of law, might have proved real and criminal *injustice* to the many and the virtuous. It might have surrendered them to the dagger of the assassin, and the torch of the incendiary—and the impression was, that such would be the issue. Reason and experience concur in testifying, that desperate and rapid complaints call for prompt and powerful remedies. Under circumstances of great urgency, temporizing measures are sure to injure, if not to destroy. Such was the malady engendered by conspirators, in the vitals of Mississippi, and the means applied were alone competent

to its complete eradication. I shall only add, that what has been attempted in one slave-holding State may be attempted in others. Hence, I repeat, the wisdom and necessity of guarding against the danger, by vigilant precautions, rigid measures, and prompt execution.

Shall I be told that there is danger in such precautionary measures themselves, because they may be prostituted, by abuse, to evil purposes? I know it; and so has been, and so may again every earthly good be more or less prostituted to some sort of mischief. The food and drink that sustain our bodies, in common with knowledge and religion which minister to the mind, are subject to daily prostitution and abuse. So, as fearful experience assures us, are the immunities of freedom. What then? Must we neither eat, nor drink, worship, inquire, nor assert our liberties, lest, by some slight of hand of the artful and the malicious, those practices should be perverted from their true ends, and rendered detrimental to us? And when danger threatens us, must we fold our arms, and remain inactive, or strike only by line and rule, and in abject obedience to technical authority, lest a blow aimed at an adversary should fall on a friend, or recoil on ourselves? Away with such *cautious, time-serving* nonsense! It is the counsel of cowardice, ignorance and indecision, not of wisdom, firmness, and experience. It reminds me of the scruples of a certain general officer, noted for a slow step, when advancing on an enemy, and a quick one, when retreating, who was unwilling to have "great guns" about him, lest the foe might take them, and turn them against himself! On occasions of sudden and perilous emergencies, bold and even *doubtful* measures must be sometimes adopted. The conjuncture justifies and renders indispensable, what would be wrong and forbidden, under ordinary circumstances. And, in such cases, where a prompt and intrepid policy has failed once, a tardy and timid one has failed ten thousand times. Those who resolve on the sword must be met with the sword; and it is, in most instances, the dictate of sound policy, to anticipate their blow. When the tiger is crouching for his spring, there is no time to deliberate. The instinct to *destroy* must

be implicitly obeyed, or the disobedient dies. Such is the *law of nature*, which is a fair transcript of the *law of Heaven*, by the **AUTHOR HIMSELF**. In all cases, however, where the laws of the land are fully competent to the suppression of crime, the prevention of mischief, and the punishment of the guilty, let them be exclusively relied on. It is only on emergencies not sufficiently provided for, that a resort should be had to the **LAWS OF NECESSITY**. Such resort by communities is clearly sanctioned by the *laws* that justify *individuals* in destroying in self-defence an enemy resolved and prepared to take their *own lives*, or the lives of their friends. And on the necessity of defensive measures, as well as on their form and character, those most immediately concerned must decide. I know we are told that when the laws are insufficient to meet the conjuncture, time should be allowed to remove their insufficiency. But I also know that such a course may prove fatal. All experience shows that human foresight and wisdom cannot legislate for every dangerous crisis that may occur. Something *must* be left to discretion and judgment. And I repeat, that those on the spot, acquainted with facts, and involved in the issue, are best prepared to judge correctly. (A. See Appendix.)

Having thus, without reserve, expressed my sentiments of professional gamblers and the vices they practise, and my views respecting the suppression of the one, and the expulsion of the other, I may now ask;

By what means are these important ends to be attained?

In replying to this question, my remarks shall have reference chiefly to Kentucky; more especially to our own city; though it is probable they may apply also to other places. I have pronounced the ends aimed at "important;" and, from what has been already said, I feel justified in adding, that they are transcendently so. Never before has the city of Lexington been engaged in a cause so vital to her interests, as well as to her honour. She has often deliberated on matters of peace, and matters of war; on elections of officers for herself, for counties, the State, and the United States; and on turnpikes, rail-roads,

banks, and institutions of learning. But what, *to her*, is either of these, or all of them united, compared to the topic I am now discussing? On the expulsion of gamblers, and the suppression of gambling, depend our moral, literary, and scientific existence, and our entire character for respectability, as a community. Unless we drive from among us these *moral lazars*, and cleanse ourselves of the pollution with which they infect us, the name of Lexington will become a term of abhorrence, and a synonyme of profligacy. Our schools of learning will be deserted; the very buildings they occupy may be turned into gaming houses; and our youths will become rogues, black-legs, and vagabonds, or, what is but little better—*gentlemen gamblers*. How, then, I ask again, are these evils to be removed?

The way, I reply, is plain and easy, if we unite in an effort to that effect, and vigorously pursue it. As a community, we have but to *will* a reform, and the work is done. Public sentiment, fairly expressed and directed, and carried into practice with judgment and energy, will expel black-legs, and expunge gambling, in a single month, and reclaim us to comparative purity and virtue. Witness the reform produced by the inhabitants of Vicksburg, Natchez, and other places to the south, with an ease and a rapidity that astonished even themselves. And the people of Lexington can do the same, with equal facility and promptitude, provided they act with the resolution that becomes them. Nor need they violate, in the transaction, a single law of earth or Heaven, but aid, as good men are bound to do, in the fulfilment of both. In the cleansing process, however, suitable means must be employed.

As far as I have been able to inform myself, the laws of Kentucky, for the suppression of gambling, are among the best, if not themselves the best, that have been passed by any State in the Union. The strict enforcement of them is amply competent to the extinction of the evil. Let them be thus enforced, then, and the object is achieved. The black-leg is prostrated, his machinations are no longer fatal to the inexperienced; and, as relates also to *gentlemen gamblers*, “Othello’s occupation” will be at an end! For the latter fraternity are

as flagrant violators of law, as deeply under its ban, and as liable to the penalty and disgrace it affixes, as the former.

In the execution of the laws against gambling, five classes of persons are especially concerned; informers and witnesses, who are usually the same; jurors, gentlemen of the Bar, gen- of the Bench, and subordinate officers of justice, consisting of constables, marshals, and sheriffs. Vigilance, capacity, and faithfulness, in these are sufficient for the entire extinguishment of the vice, and the punishment of the offenders. And by the *public will*, directed by intelligence, these qualities can be easily commanded.

Do witnesses, as they often have done, refuse to surrender names, and communicate to the proper tribunals the information they possess, and which the law expressly and authoritatively demands of them, respecting gambling and its perpetrators? Let them be rigidly, and without respect to persons, dealt with *according to law*; and, more especially let them be regarded by their fellow citizens with indignant reprobation, as the friends of gamblers, the concealers of their crimes, and co-partners in their guilt. Visit on them the moral judgment and its penalty, "He that is not for us is against us." As respects the vice in question, this is a fearful truth. Every man in the community, who does not zealously and actively unite in the overthrow of this evil, is virtually an abettor of it. His *affected neutrality* is a departure from duty, and deserves to wear a more condemnatory name. It is, as heretofore observed, the result of moral cowardice, or of a culpable disregard for the good of the community. When the public welfare is threatened, he that stands aloof in the character of a *neutral*, is practically a *traitor*—the more especially if he has intelligence respecting the foe, which he refuses to impart. In a word; at a time like the present, when vice is struggling to gain an ascendancy, no enlightened and virtuous citizen *can* be neutral. He, therefore, that assumes to be so, is wanting in knowledge, discernment, or honesty—he may take his choice.

As respects jurors, who are sworn to find and report according to evidence, and who are usually possessed of intelligence

and character, the case is still more solemn and momentous. When men of this description from prejudice, personal partiality, a spirit of party, or any other sort of sinister feeling, shun from their duty, (and that they sometimes do so, is not to be questioned,) the delinquency is appalling; because, as far as it extends, it is a *death-blow* at once to justice and right. It is perjury in its worst form, and should be visited as such, without regard to person or standing. If, for any reason, law cannot reach the crime, public opinion can. And the delinquents should be crushed, by the weight of opprobrium indignantly thrown on them, by their injured fellow citizens. Added to their being the friends of gamblers, and accessories to their crimes, their deliberate profanation of their appeal to Heaven, is daring impiety. Jurors who thus betray the high trust reposed in them, are among the rankest offenders against God and their country. And, I repeat, that when the evil is so concealed by cunning and artifice, as to be inaccessible to law, it can be chastised only, and, if not irremediable, cured, by public indignation; and the manifestation of that should be open and strong. This is the more necessary, as jurors are less accessible to law, in punishment of their delinquencies, than almost any other class of men who abuse their trust. The very oath which they violate, and an appeal by them to their own consciences, which they have grossly offended, are artfully converted by them into coverings to screen them from legal justice. Such artifice, however, should not be permitted to shield them from reprobation and irretrievable disgrace.

In a case like the present, what shall we say of lawyers, and the course which some of them habitually pursue? When the public welfare is at stake on one side, and the fate of a notorious malefactor on the other, are gentlemen of the bar such privileged characters, as to be at liberty to take ground, plead, and manœuvre according as *pecuniary interest* may invite them, without being amenable to the moral sense of the community, for the nature, as well as the issue of their conduct? In plain language, is it consistent with either morality, patriotism, or honour in them, to defend for a *bribe*, under the appellation of

a *fee*, a licentious profligate and hardened offender against his country and his race? Stronger still; do they not render themselves participants in his guilt, by receiving, *as hire*, a portion of his fraudulent gains, for conspiring to free him from punishment and bonds, that he may commence again his career of iniquity? Do they not identify themselves with the culprit, and sully their own characters, precisely in proportion to the zeal they manifest and the effort they make to cover or whiten, by professional art and ingenuity, the indelible stains, which they *know* are affixed to the character of their client?

However harsh and uncharitable it may appear, and however contrary to common belief, to answer these latter questions affirmatively, such is the only answer they can receive from me. From a negative reply my conscience revolts, because my judgment decides against it. Regardless, then, of consequences, and without the slightest apprehension of being found in the wrong, I assert that the lawyer who prostitutes his profession to purposes so unhallowed, is an abettor of the future guilt of the felon he liberates. I mean, of course, when he *knows* him to be guilty—and such knowledge he often possesses, yet perseveres in his defence.

Tell not me, as I *have* been told, that the custom of the bar admits such defence and even sanctions it; and that if one lawyer does not receive the fee and defend the culprit, another will. If this be true, the morality of the bar is in a fallen condition; and the whole profession of the law, intended as a safeguard of human right, is itself but a system of lawless trickery subversive of right. But it cannot be true. The imputation must be slanderous. The custom of the bar to sanction *falsehood*, and encourage *knavery!* Impossible! The bar, *as a body*, is as honourable and patriotic, as it is gifted and powerful. The practice in question belongs but to a few *sordid and unworthy mem'rs* of the bar, who are a scandal to their profession, and a nuisance in the community. Nor should their fellow members regard such unprincipled conduct with indifference. It is a blot on the escutcheon of each of them, which those who are sound in principle and awake to their

own reputation and interest, should promptly erase, by frowning on the offenders, and holding no companionship with them. The lawyer, who, forgetful of what is due to his country and his profession, to virtue and himself, labours, *for pay*, in defence of the black-leg, beyond the *obvious intendment of the law*, and thus obstructs the current of justice, or diverts it from its course—the lawyer, I repeat, who does this, is an enemy to society, the friend and protector of felons, and an actual associate in their turpitude and crimes. As such, he forfeits his claim to the esteem of the virtuous, and the patronage of the public. *Professionally*, he is no better than an *outlaw*; because he strives professionally to defeat the law. And it is no less culpable in him to frustrate law by artifice, than it would be to violate it by crime. In the eye of Heaven, the employment of such artifice renders him a criminal. Being regardless of human welfare, and even conspiring to destroy it, he should be treated as an alien from human sympathy, and be compelled to live in solitude, or consort with the felons, whom it delights him to defend. The business of the advocate is, to see that his client suffer no legal wrong; but that the law, under which he is tried, be fairly interpreted, applied, and executed; and there his duty ends. By going beyond this, and striving to procure the acquittal of the guilty, he becomes himself a culprit, and should receive from justice, in some form, a suitable reward.

Let the advocate of the black-leg be thus dealt with, and a sense of interest will accomplish the work, in which a sentiment of virtue and honour had failed. The gentleman of the law will do no more than his duty, the felon will be convicted and punished, and society will be freed from two of its plague-spots—*black-legs*, and *lawyers to protect them in their crimes*. I shall only add, that when gentlemen of the bar are familiar with gamblers in the streets, and defend them in courts of justice, their conduct affords strong ground of suspicion, that they associate with them elsewhere, and join in their vices. A regard for their own personal character, therefore, invokes them to beware. And, if they have families, the appeal to them is tenfold stronger and more touching, not to sully and degrade

the standing and reputation of the helpless and unoffending, by their dissolute practices.—It is to be distinctly understood, that these remarks have no personalities in them. Should there be found in them, however, a picture of the conduct of any member of the bar, the fault will not be mine. Let no one commit the offences described, and the description will be pointless. After this disavowal of all intention to assail personal character, I shall feel equally guiltless and regardless of any exception that may be taken to my words. I know them to be true, consider them sufficiently courteous towards the professional crimes alluded to, and their offending authors, and am prepared to maintain them.

That those who occupy the judgment seat, and are sworn to observe righteousness, and see justice dispensed between man and man, and between the culprit and his country, and who are appointed to their high and responsible calling, on account of their well-tried integrity and patriotism—that magistrates thus pledged and confided in, will destroy their own characters and prospects, wrong the community, disgrace their families, and mortify their friends, by corruptly extending partiality and friendship to black-legs and felons, it would be uncharitable and almost sacrilegious to suspect. Yet I have known, on such occasions, a want of firmness and manly resolution to be imputed to the bench. I shall only further observe, that, for offences of the kind, in other countries, judges have suffered death; and that the lightest punishment, in this country, should be, removal from office, disfranchisement, and infamy.

Much of the efficiency and usefulness of judicial tribunals depends on the competency and fidelity of constables, sheriffs, and marshals. If they, becoming leagued in guilt with the guilty, and in disorder with the disorderly, neglect to arrest them, or connive at their escape, the designs of penal law must be frustrated, and crimes will multiply. None but well-tried characters, therefore, should be appointed to such offices; and all delinquency in them should be punished to the extent of vested authority.

Let the laws of Kentucky against the vice of gambling be executed in conformity to the foregoing principles, and the

time is not distant, when professional gamblers will be driven from the Commonwealth. Their pandemoniums of guilt and licentiousness will be turned into places of industry and good order; and to the scenes where they had spread desolation and mourning, prosperity, content, and cheerfulness will return. Such is the fate that awaits the black-leg, and such the brightness of the prospect before us, if we pursue the steps which the crisis demands. The day-spring of purer morals and better times is about to open on us, unless, by indolence, a want of wisdom, or something worse, we defeat the omen, and welcome the worst that licentiousness can do. Provided we do our duty to ourselves and the community, our youth will henceforward have fewer temptations to profligacy, the tarnished reputation of our city will brighten, our seats of instruction will flourish, and business, in all its departments, will be benefited. Best of all; our moral atmosphere will be cleansed from the leprous poison that infects it.

But that the work of reformation may be complete, *family gambling* in our city must be suppressed, and *gentlemen gamblers* compelled to abandon their profligate occupation. That the first of these is the fatal source of the entire evil, has been already asserted, and is susceptible of proof. Had a domestic game of cards never been played by the parents, the sons would never have fallen a prey to black-legs, nor have become black-legs themselves. Nor is it possible to exterminate the latter, until the former shall be abandoned. We charge professional gamblers with the corruption and ruin of our youth; and in part the accusation is just. But the mischief does not begin with them. It begins, I say, at home—in the drawing room; the parlour, or perhaps the *nursery*, of the parental dwelling. *There* the fatal corruption is engendered. *There*, the child witnesses gambling, and is often supplied with cards, as playthings to grow familiar with, and become attached to—(Better that he were supplied with the asp or the basilisk to “sting him dead,” and save him from future dissoluteness and ruin)—*There* the boy learns to gamble with his equals, the bet being small; but still it is a bet, and ripens the spirit of

hazard for something larger. Thus initiated *at home*, the youth plays with his fellow youth at school, at college, at watering places, and elsewhere, *for higher stakes*, until he encounters the black-leg, is seduced, rifled, demoralized, and destroyed! Such are the stages of this "road to ruin"—the bitter fruit of parental example, at that fountain of profligacy, the *domestic card table*—a fruit scarcely less fatal and accursed, than that of the

"—— forbidden tree, whose mortal taste
" Brought death into the world, and all our woe!"

It is a melancholy truth that most of the young men of Lexington gamble—some of them deeply—others more sparingly; and that not a few of them have become black-legs and vagabonds. And I venture to say, that every individual thus destroyed, has been first taught the use of cards, and had his spirit of betting first awakened, by the fireside of his home—perhaps even under the eye of his mother—so reckless are men and women too, of the issue of their conduct! How worse than maddening to parents possessed of reflection, conscience, and natural affection, must be the remembrance, that, by the lawless indulgence of their own propensities, they have made felons of their sons! If such parents can rest on their pillows, under a consciousness of the ruin they have wrought—knowing that by the influence of their own vices, those whom they should have trained to morality and virtue, are rioting amidst the orgies of a gaming-house, or weltering in some other sink of corruption and debauchery—those parents, who, under such circumstances, can fold their arms, and repose in tranquillity during the lonely and solemn hours when "day has departed," and conscience comes home, to applaud or condemn—those, I say, who can thus throw from them, as worthless things, all that gives hallowedness to the relation of parent, and value and attractiveness to human nature—but the picture is too monstrous and hateful to have reality in it, or to be even possible. Nothing human can be so hardened and depraved. I shall dismiss it, therefore, as a creation of fancy, with the single remark, that the *reverse* of it is often true. Parents have agonized

under the worm of conscience, from a never-sleeping remembrance, that their own examples, in *family-gambling*, have brought destruction on their children. And while the practice continues, its effects will be the same, as naturally and certainly, as light precedes the rising, and darkness follows the setting, of the sun. How deep, then, is the crime, and how awful the responsibility of those parents, who, apprized of its consequences, persist in the evil! Better--infinitely better, to allow children, through neglect, to perish in their innocence, than thus to train them to profligacy and perdition! In ancient Persia, where all were *Pagans*, individuals thus offending, besides suffering punishment, would have had their sons taken from them, and placed in institutions of security and sound discipline, by the authority of the State. Yet, in this land of christianity and furious piety—*real or affected*—the evil stands unremedied. Were Persian measures pursued here, the result would be salutary. Family gambling would soon be extinguished; and children would be no longer the victims of parental enormities. In the mean time, the remedies in our power should be vigorously applied. Let the law be enforced, and let public sentiment proclaim its reprobation, with the requisite energy and by practical measures, and the evil will disappear. The domestic card table will be no longer a blight to our youth, a disgrace to families, and a scandal to our city.

But I have to notice another class of arch-offenders, whose characters are rather hybridous and equivocal, being composed in part of the qualities of the black-leg, and in part, *perhaps*, of those of the honest man. I allude to our GENTLEMEN GAMBLERS, who, though not yet, I trust, entirely lost, are morally pestilent in their influence on others, and posting to destruction, as respects themselves. These doubtful beings, who, like “whited sepulchres,” are sufficiently fair and attractive without, but rank with corruption and turpitude within, though they are ostensibly engaged in some lawful calling, and escape in consequence the punishment of vagrants, derive perhaps their chief subsistence from the spoils of the gaming table. Some of them are really men of business and profession, by day, and resort

to that **PALLADIUM** of abomination, the **GAMING-HOUSE**, only *by night*—or when absent from their homes, and from under the rebuking eye of their neighbours, whom they are fearful to offend—or whom they wish to deceive, by exterior fairness. Rarely indulging in deep hazards elsewhere, they haunt hotels, coffee-houses, and other places less creditable, where they prey on each other; or, more execrable still, lurk in ambush, and spread their toils for the inexperienced and unwary. Beyond all other offenders, they are dangerous to the peace of families and the morals of the rising generation. They prepare covert pitfalls and snares, from which escape is nearly hopeless. Added to their artfulness and satanical designs, their manners are peculiarly enticing and seductive. And they act by system. They induce their youthful victim first to drink and then to play. Thus ensnared, and completely in their power, they rifle him for the time, but encourage him with the hope, that he will be more fortunate on another occasion. At an appointed time he meets them again, and is again despoiled. A third and a fourth effort to retrieve his losses are equally unsuccessful, until, driven to desperation, he ventures his all, is beggared and destroyed. Nor does the disaster terminate here. He either becomes an abandoned gamester, resolved on the robbery and ruin of others, or, torn by remorse on account of his misconduct, and maddened by his losses, he flies to suicide, as a refuge from wretchedness. Is he only a son and a brother? Grief and mortification cover his family. Is he a husband and a father? His wife and children are plunged into the abyss of misery and want. Affluent to-day, they are paupers to-morrow! but a single night separating their prosperity from their ruin! This is no fancy piece. It is a faint delineation of what daily occurs. And by whom is the scene of desolation consummated? By *gentlemen gamblers*, who triumph in their success, revel in their spoils, and even look, with a fiend-like satisfaction, on the perdition they have effected! Perhaps the most disgraceful and alarming features of this picture are yet to be sketched. Not only do these high-handed trampers on morality and law

abound in our country; in many places they dictate the fashion, give to society its tone and character, and administer some of the principal offices of the State. Worse, if possible; many of them are concerned in framing the laws against gambling, which they thus flagitiously violate and annul! To the dishonour of our public councils, not a few members both of the State and National Legislatures, are notorious gamblers! While they rob individuals, and demoralize the country, the country, in return, confers honours and emoluments on them, and individuals pay them homage!

Such is the evil, and such the standing and influence of those who perpetrate it. But, provided it be resolutely and skilfully opposed, its extinguishment is easy. Gentlemen gamblers are as amenable to the law, as vagrants and black-legs; and they are much more amenable to public opinion. Nor should lenity be extended to them. Our duty to God, our country, and our race, demands of us, that they be proceeded against by law, as promptly and sternly, as the drunken vagabond who disgraces our streets, or the blustering bully, whose delight is in indecency and profanity, battery and uproar. In truth they should be much more rigorously coerced and punished than either; because, all things considered, their lives are more scandalous, and their vices far more seductive and pernicious. And the higher their standing and the wider and weightier their influence, the more ruinous is their example. I need scarcely add, that the severer should be their punishment, and the more certain its infliction. To suffer *them* to escape, and punish none but *humble* offenders, is worse than injustice. It is a vicious and dishonourable compromise with crime, and bespeaks in those who administer the laws, and are guilty of it, a spirit of corruption, or a mean and truckling submission to men, because they are called great. To make the best of them, gentlemen gamblers pre-eminent in talents, rank, and influence, are but Arch-angels fallen and turned to ARCH-DEMONS, conspicuous alike for the sum of their vices, and their power to effect by them the work of perdition! Let them be arrested, therefore, in their homes,

in their haunts when lurking for their prey, in the midst of their midnight orgies, or wherever else they may be found, conducted to the tribunals of their insulted country, and subjected to the penalty of offended justice and violated law. Nor should the proceedings against them terminate here. Let them be degraded in society, by expulsion from the companionship of the virtuous and the honorable. In a special manner, let them be so far disfranchised, as to be proclaimed, by the voice of the people, unfit for places of public trust; and let the proclamation be sanctioned and reduced to practice, on the hustings, and at the ballot box. Be it distinctly understood, as the resolution of the community, that no gambler, who sets law at defiance, shall pollute by his breath, in a public capacity, the atmosphere of the capitol, where laws are enacted. Finally, let them be exiled from *fashionable life*, a form of punishment more grievous to many of them, than *exile from honour*, or even from their country! Were the entire tribe of gentlemen gamblers thus attainted in public opinion, and thus treated in law, scorn would soon assail them, and complete their degradation. The issue would be, that their career would be abandoned by them; or, driven to despair, they would become open black-legs, and suffer ultimately the penalty of their offences. In either case they would be rendered harmless; and their monitory example would deter others from treading in their footsteps. He that will furnish me with a sound reason, why gamblers of any description should be admitted into virtuous society, and highwaymen excluded, will teach me something new. Where the latter rob once, the former rob twenty times, and take forcible possession of a hundred fold the amount of forbidden gain.

There is yet another measure, the adoption of which would be eminently instrumental in the suppression of gaming. Too many of our public hotels are the haunts of gamblers, who convert them into dens of pocket-picking, and other forms of vice and knavery, peculiarly dangerous to strangers who resort to them. Let such establishments be marked and frowned on, discouraged and avoided by the virtuous and orderly por-

tion of the community; let the foulness of their characters be made publicly known, as a warning to travellers; and let the laws against gambling be unsparingly executed on the offenders who keep them. Let fines be imposed and exacted, to the letter and entire extent of the law, and let forfeitures of licences be rigidly enforced.

Am I told that gambling is practised in hotels, without the knowledge of their keepers, who are therefore innocent of the crime whose existence is concealed from them? *I do not believe it.* If gambling be carried on in a hotel, and the landlord be ignorant of it, *his ignorance is voluntary.* He is *intentionally blind toward the vice and its consequences*, instead of being vigilant to detect and suppress it. It places in *his* pocket a portion of the pillage-money extorted from the unfortunate, and he therefore permits and virtually encourages it. At most public houses gamblers are *welcome* guests, because they are *profitable* ones—spending liberally the gains of their iniquity. Tell not me that the keeper of a hotel cannot prevent gambling among those he entertains. By suitable rules and regulations strictly enforced, he *can* prevent it, because it *has been thus prevented*; and if he neglects his duty, by patronizing vice, or secretly winking at it, let him suffer the penalty. And let a portion of that penalty be, expulsion from the ranks of the honourable and the honest!

Once more. We have among us a class of tradesmen and mechanics, especially those who furnish articles of gentlemen's apparel, with whom gamblers are peculiar favourites; and who, therefore, virtually countenance and encourage them. The reason is plain. Gamblers dress well, pay well, and are excellent customers. Like other free-booters, they spend their money liberally; and that is their passport to favour and friendship.

But whence, and by what means do they procure their money? This should be a serious question, when addressed to the consciences of those who receive it from them, many of whom are *professors of religion.* Gamblers are known to live by fraud; their money is the product of fraud; those, therefore, who receive it from them, fully apprised of their being

gamblers, participate in the fraud, and are practical abettors of it. The receivers of stolen goods are accessories of theft, and held criminal in law. Why? Because they know the goods to be stolen. To him who receives the black-leg's money, the same principle of justice applies. He knows it to have been fraudulently acquired. In the eye of reason, therefore, and in the eye of Heaven, he is accessory to the crime.

But the criminal manner in which gamblers procure their means is not the only reason why philanthropists and those who make a profession of religion should refuse to become the possessors of them. They are often won from husbands and fathers, to the penury and want of wives and children; and from sons, to the beggary and ruin of widowed mothers. Such inhuman and unmanly traits of barbarity, therefore, superadded to the abstract crime of gambling, deepen its atrocity, and render it more hideous.

If, notwithstanding these considerations, tradesmen and others continue to deal with gamblers, and countenance their vices, their consciences are callous, their rectitude a counterfeit, and their religion a mockery. Under such circumstances, to implore on their knees, as many of them habitually do, a blessing from Heaven on the issue of their labours, is virtual *blasphemy!* It is an impious supplication to a God of purity, that he would countenance their sins, and become a partner in their guilt. No language can express the turpitude and hatefulness of hypocrisy like this. Compared to the depth and darkness of its iniquity, open atheism might almost be said to whiten into virtue!

Let such be the social, moral, and legal proceedings against black-legs and gamblers of every description, and much will be done towards purifying the world from their leprous contagion.

But penal and prohibitory laws cannot alone secure society from the vice of gambling. *Their* chief aim being to deter from crime by the apprehension of punishment, they operate almost exclusively on the feeling of fear. Much more dignified and effectual than this, is the policy of withholding men

from crime, by teaching them to dislike it. If youth be suitably trained, they will abhor vice of every description, and adhere to virtue from virtuous feeling. Their ruling instincts will be opposed to crime. These form a tie to restrain them from wrong-doing of every description, infinitely stronger than any form of statute laws. They render men literally "a law unto themselves." Those who are thus constituted and trained, incline to a moral cynosure, as the needle points to the cynosure in the heavens. Nor, provided the requisite measures be pursued, is it difficult to bring the mind to this glorious condition. Means to that effect will be furnished by a well directed moral education.

By such an education, then, the laws against gambling should be backed and fortified. Instead of being trained to the practice of that vice, by domestic example and actual experience, let the rising generation be thoroughly instructed in its flagitious nature and ruinous effects, and strictly debarred from it by suitable regulations, and the evil will disappear. Let this discipline begin in the nursery, and be continued in the parlour. From thence let it be transferred to schools and colleges, and all other places where youth assemble, and gamblers and black-legs, ceasing to have an existence, will become but names in dictionaries, and characters in history. Nor is it possible to eradicate the vice completely in any other way. If you would destroy the poison-weed, you must strike at its root. To purify the stream, you must cleanse the fountain. But I add, with confidence, that, in the way proposed, the evil can be eradicated, as easily and certainly, as the green leaf fails when the sap-juice is withdrawn.

As heretofore mentioned, domestic gambling is the pestiferous source of all other forms of the vice. By moral education that will be dried up, and its issues and their deleterious influences extinguished. Overwhelmed in gambling, then, as the present generation unfortunately is, to rescue the next from it is perfectly practicable. An important, if not a necessary auxiliary in this great work of reformation, would be an absolute prohibition of traffic in playing-cards. And it is to be

ardently desired, that the Legislature of Kentucky would pass a law, rendering it penal to deal, in any way, in an article so destructive to the morals of the State—or that they would impose such a duty on cards, as would annihilate the trade in them within the Commonwealth. Were Kentucky to take the lead in this effort at reform, other States might follow the example. Nor do I hesitate to add, that such a law would be, not only in a high degree beneficial to our community, but honorable to our Legislature. It would be one of the wisest and most useful laws in the statute book. But as long as gamblers shall be elected to the Legislature, the passage of such an act can hardly be hoped for. Let public indignation at their vices render them ineligible, and the requisite law will be immediately passed.

Another measure that would contribute abundantly to the extinction of gambling, is the suppression of HORSE-RACING. For reasons that may be easily rendered, that is itself a very seductive and ruinous form of gaming. It is, moreover, the foster-mother of a fearful amount of idleness and riot, dissipation and vice. And that this aggregate of causes prepares the mind for crime of every description, no one who understands human nature will deny. That theft and pocket-picking, drunkenness, and other forms of debauchery are the growth of the race-field, is fully confirmed by all experience. So are personal combat and riot, with their frequent concomitants, mutilation and murder. During the last disgraceful JOCKEY-WEEK in this place, several attempts at assassination were made, one or two of which were near proving fatal. On former occasions lives have been lost under similar circumstances. In fact, the turf is one of the chosen scenes, where all the gross and turbulent passions hold high carnival, and revel uncontrolled. Neither mental sobriety, practical virtue, strict moral feeling, nor any other praiseworthy attribute of mind can find a foothold in so wild and rude, and reckless a carousal. In these orgies of the race-ground, there is much more of brutishness, and less of humanity, than the lovers of the sport are willing to acknowledge, or have seriously thought

of. In truth, they are nothing but a spectacle of brutishness, tricked off by some of the gaudy trappings of humanity, to gratify a coarse and uncultivated taste. Should this charge be questioned, it can be amply maintained by a substantial analysis of them. In plain terms; aside from its pernicious influence, horse-racing is a barbarous and degrading amusement, but little superior to the bull-fighting of the Spaniards, or the cock-fighting of the Malays. It often breaks down, and ruins for life, the fine animals devoted to it, that might have been humanely and safely trained by their owners to valuable purposes. The enjoyment of it, I say, belongs as exclusively to our *animal* nature, as drinking, boxing, or profane swearing, and has as little "relish of salvation in it." That females should delight in it, therefore, is matter of amazement, and betrays in them a taste of but humble refinement. My reference is to a taste for the *entire turf scene*. Could the noble animals, that constitute alone the objects of attraction, and that so far surpass, in generous and lofty qualities, most of the human beings around them—could they, free from injury to themselves, be gazed on in their pride and glory, outstripping in fleetness the wind that pursues them, and matching in grace the silver-footed antelope, apart from the vulgar uproar of the occasion, and the accompanying knavishness of betting, *jockeying*, and other forms of overreaching and dishonesty—could this be done, I say, the case would be different. But, that the spectacle, as it is, can afford gratification to a truly refined and cultivated female, may be pronounced impossible. And when, to other female attributes, is added that of a pure conscience, and a resolution not to countenance vice, the field should be revolting to her. Nor can aught but *fashion*, the arbitress of the *sex*, and too often the *vanquisher of duty and propriety* in them, lead such a being, in opposition to her nature, to a show so unsuitable to her.

But the chief ground, on which horse-racing contributes to the promotion of other forms of gambling, is yet to be mentioned. It excites an ungovernable spirit of adventure. I mean the *sordid and dishonest* adventure of *betting*. Persons who had never laid a wager before, often bet in a race-field,

in imitation of those around them, and through the influence of sympathy with the maddened multitude. Young men are further induced to bet, lest they should be suspected of a deficiency in manliness of spirit. Nor is the wager always confined to the speed of the horses. It often extends to such other sorts of hazard, as may happen to present themselves, of which card-playing is at once the most frequent and seductive. This awakened propensity to risk, moreover, is not limited to the race-field. It does not, I mean, subside, when the field is deserted. It accompanies those who have felt it to their lodgings or their homes, and is there, by the farther excitement of intemperate drinking and importunate companions, reduced to practice, at cards, dice, or some other alluring game of hazard. Such is often the commencement of a career, whose end is destined to be profligacy and want, accompanied by the sufferings of self-shattered health, and the severer pangs of an offended conscience.

That this representation is not exaggerated, but that it even falls short of the truth, might be easily proved by indubitable testimony. Nor need such testimony be sought for at a distance. The turf-scenes of our own city furnish it abundantly. More gambling and idleness, dissipation and vice of every description, and every degree of atrocity and guilt, occur in Lexington during each week of our races, than during any other *six* weeks of the entire year—and perhaps in a still higher proportion. No inhabitant of the place, of any standing and observation, will hazard his reputation by a denial of this. From the commencement to the close of the sports, our city presents, by day, a disgraceful scene of confusion and hubbub, and, by night, a revolting spectacle of gambling and drunkenness, debauchery and crime. During this unbridled explosion of the vices, neither servants, apprentices, journeymen, clerks, nor any other description of labourers, or hired men of business can be held to their duty. In defiance of advice, remonstrance, and command, they abandon their employments, rush to the carnival, gamble, drink, quarrel, blaspheme, and perpetrate all other sorts of enormity. Or if

authoritatively withheld from the intoxicating revel, they become sullen, dissatisfied, and useless at home. On youths pursuing their education, the effects of these occasions are deplorable. Under the influence of such boisterous and contaminating examples, their studies and morals are but chaff before the whirlwind. Even boys, who are yet but in the gristle of childhood, join in the tumult, and drink in the infection, which is to make lepers of them for life.

Added to the fearful mass of immorality engendered on the occasion, Lexington loses, by *idleness*, during each race-week, many thousands of dollars. Nearly another week elapses before the idlers return to settled industry—and some of them *never return*, but, from the taste they have acquired, become profligates and vagabonds. Another item of mischief to be subjoined, is the sickness produced by the irregularities of the occasion. In a word; except the hotels, drinking-houses, and another description of houses not to be named, there is scarcely an establishment in our city, that does not suffer in its interests, by our races.

Such are some of the *blessings* derived by Lexington, from the operations of her “*JOCKEY CLUB!*”—a phrase which is but a *synonyme of trickery and knavishness!*—a club to which no good citizen can *consistently* belong; and from which men of honour should turn, as from a thing that degrades them! Look into your dictionaries, and see if I am not right. “*A jockey; a cheat, a trickish fellow!*” What meaning should be affixed then to an *ASSOCIATION OF JOCKIES*? I only ask the question. Let others answer it. And I ask again: Is there a *jockey gentleman*, who owns a running horse, or a *brother jockey* who bets on him, that would not be delighted to witness his success in the course, in consequence of some artful manœuvre of *jockey-ship* by the rider, not forbidden by the canons of the “*Club!*”? And I fearlessly answer, *not one*. *Horse-racing, overreaching, and cheating*, are, in spirit and practice, synonymous terms. He, therefore, who devotes himself to the former, must lay his account to be suspected of the two latter—I doubt not with *entire justice*. There is reason to believe,

that a turf-bred sportsman *strictly honest is yet to be formed*. Nor is the influence of this “association of jockies” confined to Lexington. It extends to no inconsiderable distance through the country. By resorting to the race-ground, and uniting in the uproar, farmers and their sons consume their time, and often squander their property, injure their health and reputation, and, worst of all, contaminate their minds.

Notwithstanding these enormities (and the picture might be heightened without exaggeration) some of our most influential citizens are avowed patrons of horse-racing, and abettors, of course, of its concomitant evils. Not only do they resort to the race-field themselves, join in its revelry, and partake of its bets *in the hope of forbidden gain*; they encourage their sons and *daughters* to accompany them. Thus do they virtually pander to passions, that may ultimately lead to the perdition of their children! Let no one, who thus acts, proclaim himself a foe to gambling! His practice falsifies his profession, and proves him *inconsistent*, if not insincere. A foe to gambling, yet an advocate of horse-racing! Silly incongruity! A grosser incompatibility cannot be imagined. An attempt to palm on the public a fiction so shallow and self-contradictory, is an insult to their understanding. He that is a member of the Lexington “Jockey Club,” or an encourager, in any way, of the Lexington races, is essentially an accessory to Lexington gambling, and to all its consequences. And one of those consequences is the certain extinction of what yet remains of our seats of learning. Let us no longer attempt to hoodwink ourselves and others, on this most interesting and momentous topic. Gambling and the proper instruction of youth, whether male or female, can never spring from the same soil, or flourish under the influence of the same atmosphere. As soon shall virtue and vice of any other description find a common parentage. What is food to the one, is the essence of the deadly nightshade to the other. We must extirpate gambling, then, or surrender to it our seats of education, and, from the “Athens of the West,” become a modern Sodom!—But to return to *horse-racing*.

The advocate of that practice, I say, has no alternative, but to abandon the turf, or submit to be pointed at, as the *friend of the black-leg*. Sooner shall oil and water unite, without an intermedium, than a love of horse-racing and hostility to gambling amalgamate in the same individual! I have no patience with professions and pretensions so utterly inconsistent and self-subversive. I would entreat sensible men, who deal in them, therefore, to pause and reflect, before they thus expose themselves to such galling imputations. To make the best of their disjointed and culpable conduct, they but withhold nourishment from the serpent, with one hand, while they feed him with the other. Nor will he be the less inclined to sting them or their connexions, because they thus “palter with him in a double sense.” Might I speak of the motives of such gentlemen, I would say, that they have, on this subject, no correct controlling principle, whose dictates they follow. Selfish views of expedience, or the love of a temporary gratification equally selfish, engross and govern them. They resemble political trimmers, who have two parties, whose favours they wish to conciliate and secure. I tell them, however, plainly, that their course is as fallacious and fruitless, as it is hollow and discreditable. Of this let them be assured, that they cannot effectually “serve God and Mammon”.

That my views on the subject may be more clearly understood, I shall repeat an objection to horse-racing, heretofore made, which nothing can remove. *The practice is as fraudulent and immoral as card-playing.* I mean, when betting is indulged in, as it always is. The money won is extorted from the loser, *against his will, without the return of any equivalent.* *And that is the essence of fraud*, whatever name the mode of gaining possession of the money may bear. Call it gambling or theft, horse-racing, pocket-picking, robbery, or piracy—the term that designates it, does not change the nature of the deed. Tell not me, in defence of the practice, that the man who loses his bet, on the race ground, surrenders his money *voluntarily*. So does the traveller, when the pistol of the footpad is at his breast. In the latter case, the love of life extorts

the purse; in the former a sense of *fictitious honour*. In principle then, though not in manner, the successful better and the robber are identified.

From the foregoing premises, the inference is irresistible, that, as far as his *calling* is concerned, the horse-racer, and all who bet on the race, whether they lose or win, are *dishonest in purpose*, and positive violators of moral law. Their *intention* is to win, and to extract money from their opponents, in despite of their wishes, without making them a valuable return; and that, I say again, is *unqualified knavery*. The law of nature, which is but another name for the law of God, proclaims it so, whatever laws mistaken or interested Legislatures may enact to the contrary. Though human statutes may render horse-racing *civilly* and *politically* lawful, they can never render it *morally* so; because they can never wash from it the turpitude of *forbidden gain*. In a word, horse-racing is as palpable an infraction of the tenth commandment, as theft is of the eighth, or homicide of the sixth. Yet many men, who would be scandalized at the sight of theft, and shocked at that of murder, show clearly by their bets, and their anxiety to win them, that they furiously covet their neighbour's property. So true is it, that we make our own propensities and wishes a measure of the value and authority of the divine commands.

I well know that these sentiments, respecting the sports of the turf, are not the sentiments of the community at large. No matter. I as well know, that their want of the stamp of fashion and currency, is no evidence of their want of truth. He that looks for correctness in public opinion, respecting matters where analysis and reflection are required, will be, for the most part, disappointed. I do not, however, know that any one contends for the *strict and entire* morality of horse-racing. It would surprise me not a little, to hear such a position maintained, by a truly enlightened and sound principled inquirer. As soon would I expect to be edified by a defence of swindling or forgery! Men who have never seriously reflected on the evils of horse-racing, and who have been in the habit, all their

lives, of witnessing it, with the thoughtless multitude, as a matter of course, may have a certain vague and dreamy belief, *that there is no harm in it.* But for any one possessed of common sense to arrive at such an opinion, through observation and reason, is absolutely impossible.

As far as I am informed, racing is seriously defended only on one ground—*the notion, that it improves the breed of horses.* If this hypothesis be fallacious, the practice is equally without *defence and excuse.* And that it *is* fallacious seems as clear, as any proposition in political economy, the science to which the inquiry belongs.

That racing improves the breed of *running* horses, is not denied. Horses bred expressly and skilfully to any practice or mode of exercise are necessarily improved in it. This is as true of the inferior animals, as of man. Nor is it less true of *vegetables*, which are also improved by cultivation and training. But it *is* denied, that a horse is *valuable, in the correct sense of the term, in proportion to his fleetness.* If he is *valuable* to those who win by betting on him, he is in an equal degree *detrimental* to those who lose. His value in the abstract therefore is a *nullity*, because he *produces* nothing, the loss by him on one side being an exact counterpoise to the gain on the other. As well might it be contended that a light, swift-footed man is valuable and efficient, as a member of society, in proportion to his speed in a foot-race, or the distance he can pass over at a single leap. In truth, running horses and running men are rarely fit for any thing else, than to excite a momentary wonderment, by the swiftness, with which they scamper over the ground. In this plain practical country, where peace prevails, and useful industry should be pursued by every one, we have no call for either the war-horse, or the hunting-horse. Hence we have never reared them, nor felt the want of them. Nor are we likely to do so, until the condition of our country shall have been entirely changed. In the present discussion, therefore, those two breeds must be kept out of view. Besides, the *former* of them and the *running* horse have no affinity to

each other, in figure, spirit, or action. Nor are real *hunters* and *racers* identical in qualities.

In the United States, we want but three classes of the horse; the draft-horse, which may include the wagon and the dray, the cart and the plough horse; the carriage horse; and the saddle horse. But the running horse is unfit for either. Were there no other reason, his *training for the turf* disqualifies him for such services. No one would dream of employing the genuine light and springy racer, in the *draft* or the *carriage*. An experiment to that effect would be quite as incongruous, and almost as ludicrous, as to select the ponderous dray-horse for the race. The farther consideration of those two varieties also, therefore, (the *draft* and the *carriage* horse) may be dismissed. This brings the question to a single point. Is the running horse qualified for the saddle, in proportion to his swiftness and training to the turf? No he is not; as every competent judge will testify; and as experience confirms. On the contrary, such training unfits him for the saddle, where sober and durable action is required. In an evening excursion, by the youthful, light, and dashing rider, whose object is show, a fiery-spirited courser may be suitably employed. In other words, he may answer for a parade and pleasure horse. But, for a heavy rider, and continued service, more especially for a long journey, he is altogether disqualified. A horse devoid of running qualities greatly surpasses him. In fine; a race-horse is fit only for the race, as a swift sail-boat is fit to sail, but not to carry freight. His very figure and proportions disqualify him for the draught, the carriage, or the saddle. By no competent judge of horses will this be denied. As well might it be denied that the grey-hound is unfit for the services of the wolf-dog. The truth of all this is amply sustained by the delineations of the different classes of the horse, contained in *Turf-registers*, and *Agricultural and Sporting Magazines*. It can be demonstrated on principles strictly mechanical, that the form of the racer disqualifies him for the kind of action necessary in the draught and the carriage horse, and takes from him the endurance and sure-footedness of the accomplished roadster.

True; what is called a “high blooded horse” is superior to one of ordinary blood. And, by suitable breeding and training, he may be rendered more useful, and be of greater value. But every blood horse is not a runner, nor even of the running breed. Far from it. Besides; be his blood and figure what they may, if he is to be used under the saddle or in the carriage, he should be trained to those purposes; not to the race-track. This is common sense, as well as the dictate of experience. The horse, in common with his master, has not only his habits, but what may be properly enough called his trades and occupations; and the trade and habits of the racer are as different from those of the saddle, draft, or carriage horse, as the trade and habits of the opera-dancer or the tumbler are from those of the blacksmith or the agriculturist. As well, therefore, may an attempt be made to have a boy taught the art of making hoes and hobnails, by apprenticing him to a cobler, as to form a horse for the saddle, or any other useful employment, by breeding him to the turf. All this is familiar to the horse-breeders and trainers in *England*, who understand the animal better, and manage him more skilfully, than any other people. *There*, the blood horse is used for sundry purposes, to which he is specially bred and disciplined. But, as soon would the project be conceived of converting the high-bred racer into a cart-horse, as of employing him in any family or agricultural services. He is reared and cultivated as an object and a means of *sport* and *pastime*, and for *nothing else*. It is horses of good pedigree, *unfit for the turf*, that are trained to useful purposes.

I do not object, then, to the production and possession of well blooded horses. Far from it. My objection is only to the improper employment of them. And surely it is as easy to introduce and cultivate the breed without racing, as with it. In fact it is easier as well as better; because the racer is often strained and incurably injured by running; while, by suitable and useful exercise, he would have been strengthened and improved. I have known some of the noblest animals I have ever beheld rendered almost useless, by two or three

races; whereas had they been disciplined to useful ends, their durability would have been greater, and their value much higher.

Let us rear high blooded horses, then, in America, as they do in England; but let them be applied to *American purposes*; such purposes, I mean, as the substantial interests of America require; and racing is not of that description. It is an idle sport, appropriate only to the wealthy and the dissipated—to a titled and an opulent aristocracy—who have no regular and productive employments, or other modes of spending their time, and circulating through the community their superfluous wealth; and who are not injured by the loss of bets. As well in its relation to the genius of our government and the spirit of our laws, as to the texture and condition of our society, horse-racing is an *exotic practice*, and should have neither root nor culture among us. It is utterly unsuitable to Americans, whose fortunes are small, and whose days should be devoted to productive industry, and useful pursuits. In a word; as practised in the United States, it is but a tasteless and humiliating imitation—a pitiful mimickry of an European custom, growing out of a state of society altogether peculiar to the old world, and belonging to feudal and monarchical governments. With *genuine republicanism* it has no more affinity, than the *crown* and the *sceptre*. Yet we take pride in *proclaiming* ourselves *republicans*, and still cling to a symbol of *monarchy*.

Had the law of *primogeniture*, one of the *rarest* features of feudalism, never had an existence, neither in all probability, would horse-racing. And the abrogation of the former in our country, should have been instantly followed by the abandonment of the latter. Racing is an evil in any state of society; but it is a much more pernicious one in American, than in British society; because its unfitness to the former is infinitely the greater. Its adoption by us, like our senseless adoption of many other unbecoming foreign customs, bespeaks in us a slavish and degrading submission to imported fashion. A spirit of enlightened and manly Americanism would rid us

of all these outlandish appendages, which create in us such a mongrel, piebald character, and bestow on us, in lieu of them, *substantial nationality*. Nor shall we ever command abroad the respect we should aspire to, until we learn, in the true import of the expression, *to respect ourselves*, and, by the change referred to, become *real Americans*.

One consideration more, in refutation of the fancy, that racing improves the breed of horses. Fifteen or twenty years ago, before the love of the turf had maddened us, it was infinitely easier to procure fine carriage and saddle horses in Kentucky, especially in this portion of it, where the rage for running horses is highest, than it is at present. This fact is affirmed by our experienced dealers in horses for the southern market, whose difficulties in making up their droves are annually increased. They find it much easier to supply themselves in some parts of Ohio, where no running horses are reared, than here, where there are so many. Such, in Kentucky, is the effect of breeding animals for the turf. Our race of useful horses is deteriorated; at least it is reduced in number, which is virtually the same.

In Virginia, where a greater number of fine running horses have been reared, than in all the other States collectively, the classes of *useful* horses are the *worst in the Union*. Compared to the same classes in Pennsylvania, New Jersey, New York, and New England, their appearance is mean and miserable, and their qualities no better. In Massachusetts in particular, where a full-blooded racer has rarely been seen, and never perhaps produced, the horses are excellent. So are they in Vermont. Their blood is good, and they are excellently trained—but it is to useful purposes—the draft, the carriage, and the saddle. Such is the evidence (and much more might be adduced) that racing is neither necessary to the improvement of the blood and breeding of horses, nor an auxiliary to it. On the contrary, that it has proved in this country unfavourable to it, is the plain language of every fact that bears on the subject. On the score of public economy, therefore, apart from its immorality and encouragement of crime, it should be

prohibited by law. Yet was there an attempt made in Frankfort last winter, by a citizen of this place, of a grave and *professedly moral* deportment, to have the "Lexington Jockey Club" sanctioned by law, under the *counterfeit* heading of "An Act to *improve the breed of domestic animals!*" Much less disgraceful and injurious to us would it be, to have a law passed for the breeding of wolves and rattle-snakes among us! Such monsters of *blood* and *poison*, would do less mischief, and could be much more easily guarded against than gamblers.

It is idle then to contend, that we *cannot* have the very best blooded horses that the age produces, except through the sports of the turf. To say that we *will* not have them on any other ground, is a view of the subject altogether different. The failure in that case, should it occur, will be a matter of *choice*, not of *necessity*, and will evince, that, in the article of horses, as of most other things, men expend their money more liberally with a view to superfluity and show, than to substantial usefulness. It will be but another instance in proof of the fact, that, in every rank of society, fashion and mere animal indulgence predominate over reason and common sense. To make the best of horse-racing, it is but a practice to gratify the propensities and perhaps improve the fortunes of the *few*, at the expense and to the manifest injury of the *many*. It ought to be abandoned, therefore, especially by men who assume to be *moral*; because morality enjoins, that the welfare of the majority be always preferred.

I shall state a further objection to the practice of horse-racing, which ought to be mortifying to its patrons and advocates. It gives to too many of our gentlemen of fashion and standing, the train of thought, and the conversational habits of grooms and jockies. A counsellor at law, of professional distinction and mental accomplishments, from a distance, has recently said of some of the principal lawyers of this place, that their only mode of spending their leisure hours appeared to him to be, in swallowing mint-slings, playing brag or poker, discussing party polities, or *detailing the pedigree and character of horses!* To science and literature he pronounced them stran-

gers!—a miserable compliment to the leading characters of the “Athens of the West!”—To make these disclosures is humiliating and painful to me. What then should be their effect on those whom they more intimately and deeply concern! Though such things are repulsive to me, yet I refer to them much “more in sorrow, than in anger.” Instead of being offended with *me*, therefore, for making these statements, I trust that the gentlemen to whom they apply will take offence at *themselves*, refrain from the culpable practices involved in them, and seek more refined and laudable amusements.

On the subject of gambling I have another disclosure to make, which I deem important. I call it a “*disclosure*,” and such it will probably be to some, though a matter of broad notoriety to others. Most, if not all of our public *watering-places*, are detestable sinks of the vice of gambling. For every *physical malady* they heal, they are calculated to engender and aggravate scores of *moral ones*. If my information be not deceptive, their means of corruption and mischief are appalling. Not only are they polluted by swarms of *black-legs*; *gentlemen gamblers* resort to them in parties, to perpetrate *there*, by cards and otherwise, open violations of morality and law, which a dread of prosecution, public odium, or something else, prevents them from doing at home. This is a scandal which, should not be tolerated. It is not only licentious; it is mean and dastardly, for heads of families to desert their dwellings, to sculk at cards, in the secluded corners of *watering-place* cabins! That men of standing should thus degrade themselves, is truly amazing. Nor is it less so, that they should do it, and be allowed to retain their standing. On such high offenders the law should be strictly executed; and the moral sense of the community should force the keepers of the desecrated establishments to expel *black-legs*, and prevent gambling in them, or have them abandoned and thrown empty and profitless on their hands. Never should those who thus pander to vice, be allowed to grow wealthy, by their nefarious trade. Stern measures enforced against gambling will banish it equally from all its haunts—from demoralizing *watering-places*, as promptly and certainly, as from towns and cities.

Shall I be told, in palliation of gaming at watering places, that time passes monotonously, and hangs heavily on the hands of visitants, except they indulge in some form of amusement? Be it so. But is that any reason why gentlemen should assemble there, for the *express purpose* of relieving the weight and dulness of time by gambling, as they are known to do? Besides; what a foul and degrading imputation do they affix on themselves—on their taste, their intellect, and their morals—by the practical acknowledgment, that no other employment sufficiently amuses them, save that of outraging morality and law, by rifling each other's pockets! Such is the vulgar and lawless amusement of the Malays, Arabs, and Tartars, and of other barbarous and predatory nations. Where are music, dancing, reading, walking, riding, admiring the beauties of nature, and indulging in enlightened and sprightly conversation?—where are amusements like these, compared to which gambling is the “fire-water” of the savage, contrasted with the choicest juices of the grape! Why are they not resorted to by men who pretend to civilization and refinement, in preference to the coarse and vicious pastime of ignorance and barbarism? The answer is plain. The reason is to be found in the depraved taste and vitiated morals of those addicted to the revolting practice. At a celebrated watering place, which I could name (and for ought I know the same was true of many or all others) such was the scandalous rage for gambling last summer, that the ladies were often unable to attract from the gaming tables a sufficient number of gentlemen to form two or three cotillions! Yet the assemblage of visitants was unusually large. Such occurrences are blots on human nature! To say nothing of the vices that were practised; conduct so wanting in courtesy and gallantry would disgrace barbarians! In a word, I do not hesitate to assert, that it is the duty of every friend to morality and law, especially of ladies, and more especially still of wives and mothers, to withhold themselves, as from pest-houses—or other houses of still deadlier corruption—from all watering places where gambling is tolerated. Let a general resolution to this effect be formed, pro-

claimed, and carried into execution, and the vice at such places will soon be extinguished. As matters now stand, it were infinitely better that every mineral spring in the country were dried up, than that they should be the annual assembling points of gamblers and pickpockets!

It was my intention to offer a few condemnatory remarks on another pernicious form of gambling, which is alarmingly fashionable in some parts of our country, and has brought ruin on thousands. I allude to lotteries. But I shall dwell on that subject only long enough to say, that whatever may be the object for which money is thus raised—whether to build churches or college edifices, or to promote patriotic or charitable purposes, the practice is incompatible with religion and morality, and should never be countenanced by the votaries of either. It encourages a spirit of adventure in games of hazard, and should be strictly prohibited by the laws of the country. I could mention a signal instance of destruction to fame, fortune and domestic comfort, recently produced by it, in a family of high standing, in the city of Philadelphia.

A word before I close, to those who assume to themselves the title of the RELIGIOUS COMMUNITY. And here I shall propose to them a few plain, and, as I earnestly trust, unexceptionable questions. In these, as well as in any remarks that may follow them, I beg to be considered as an *inquirer* and *suggester*, rather than as a *dictator*, or an *arbiter* in matters where conscience is concerned.

1. Does not true religion consist in a condition of feeling and a scheme of action, rather than in a system of dogmas and doctrines? and does not that action tend directly to *social harmony* and *public good*?

2. Are not the eradication of vice, and the preservation of the community from its contamination and consequences, two of the leading objects of religion?

3. Can such eradication be effected, without the use of human means *adapted to the purpose, and skilfully applied?*

4. Does not experience show, that associations, properly regulated and wisely directed, constitute one of the most effec-

tual means for the suppression of evil and the production of reform?

5. Has not gambling gained a fearful foothold among us; and is it not one of the most demoralizing and destructive of vices?

6. Would not its extinction be an achievement favourable to christianity, and praiseworthy in such of its professors as might contribute to it?

7. Are not the preservation from evil of our neighbours and friends immediately around us, and their purification from the guilt that may attach to them, objects as desirable, and as dear to religion, as the conversion of pagan communities at a distance, or the establishment of schools and missions in foreign countries?

8. Has the religious community of Lexington lent its aid, to the extent of its power, towards the extirpation and prevention of gambling?

9. On many of the children of Lexington contributions are understood to be levied for the maintenance of schools in foreign countries. This may be well; but would it not be wiser and better, to appropriate that money to the procurement of tracts or essays against gambling, to be placed in the hands of children for daily perusal, that their minds may be early imbued with a becoming abhorrence of so destructive a practice?

10. Would not such a measure, besides being practically useful, be in laudable obedience to the divine precept, "Train up a child in the way he should go, and when he is old he will not depart from it"?

That these are questions of serious import, will not be denied. Seriously therefore should they be weighed and considered, each member of the religious community examining them for himself. To the first, second, fourth, fifth, sixth, seventh, ninth, and tenth of them, the reply must be *affirmative*. Most of *them*, however, are comparatively *theoretical*, and call but *indirectly* for action. But the third and eighth, which are purely *practical*, and may be said to call for *immediate* action, must be answered in the *negative*. In reply to them, I say

again, as I have already said, that gambling is one of the heaviest curses, that can fall on a community; and I further say, that the members of the different religious denominations in this city have not waged against it that open, determined, and *efficient* warfare, which duty demands of them, and the crisis requires. I add, that, on this point, most of them have been untrue to their calling as christians, and some of them to their positive promises as men. Had their religion been a source of *action* rather than of *words*, of *performance* rather than *profession*, their conduct would have been different. They would then have not only *united*, they would have *led* in *active measures* against the evil, instead of contenting themselves with heaping on it *verbal condemnations*. True; they preach against it, pray against it, talk against it, and refrain from it themselves. So far they act correctly, but stop short of their mark. That this is not the way to extinguish it, is a truth as familiar to them as to me. Nor will they gravely pronounce it so. They must *act* against it through the medium of public sentiment and penal law, else their labours will be unavailing. When an inveterate evil is to be beaten down, mere *words* without *action* are useless instruments. To trust to *them* is as fruitless, as to attempt to check the whirlwind by a breath or a feather. More solid and suitable means must be employed, else nothing will be effected. As soon shall the agriculturist pray and talk *into* existence a crop of corn, *without labour*, as a religionist pray and sermonize *out* of existence the sin of gambling, *without* acting on its authors.

Am I asked, What then are the members of the religious community to do, to compass with certainty the object of their wishes? I answer, let them associate themselves against gambling, like a band of brothers, commence the conflict with resolution and vigour, and persevere without flinching, and victory is secure. Instead of their habitual warfare with each other, let the different religious denominations unite and move in a body, to detect the gambler in his midnight lurking places, to execute the laws inexorably against him, and to discountenance the practice in every other way, and the work will be

accomplished. Let all, I say, who make a profession of religion in this place, enrol themselves under the banner of a well-formed and regulated anti-gambling association, and institute judicious and energetic proceedings against the vice, and, in a short period, there will not be a pack of cards in the city of Lexington. And a more glorious consummation in favour of religion can hardly be imagined. Card-playing will become as odious, as it has been heretofore fashionable. Such will be the result the more certainly, as most men of respectability, who make no profession of religion, are ready to join them. It seems not a little singular, nor is it in any measure creditable to our fervid religionists, that they have been tardy and luke-warm in *their actions* against gambling, and have permitted those deemed wanting in religion, to commence the warfare, and lead in the onset. It is perfectly known to me, that, more than twelve months ago, many prominent members of the several religious denominations, in Lexington, were invited and importuned, by a man not very highly distinguished for his religion, to form immediately an anti-gambling society, and institute rigorous measures against the vice. And it is equally known to me that all of them approved of the project, and most of them promised to engage in it. But there the matter ended. Like other lip-professions, the promise evaporated in air; and the vice was unmolested, until fortunately assailed from another quarter. Instead of uniting in opposition to gaming, as a common enemy, the sectarians persisted in their opposition to each other, as if that cause were the dearer, holier, and more useful. There is much ground to fear, that certain religious denominations cherish a more embittered mutual hatred, and are ready to do more for the overthrow of one another, than they would for the expulsion or reformation of black-legs, and the extermination of their offences. This is unquestionably the case, if we may trust for evidence to the columns of some of our theological newspapers. They are far more replete with sectarian wrangling, rancour, and abuse, than with matter condemnatory of the vice of gambling—or perhaps of any other vice. As far as *their* testimony avails,

they sustain the charge, that the *odium theologicum* is the most fierce and inexorable of the human passions. They clearly evince, that, by many sectarians, a mere difference in creed, if not in forms of worship, and modes of church government, is considered a deadlier sin, and is therefore more vehemently hated and inveighed against, than open irreligion, immorality, or crime.

But my present concern is not with creeds and abstract opinions. It is with that which more vitally interests society; with what men should *do*, rather than with what they should *believe* or *imagine*. Might I, then, so far venture, without subjecting myself to the charge of presumption, I would earnestly invoke the various religious denominations to forget or suspend, for a season, their mutual rivalries, feuds and animosities, and unite against gambling in a war of extermination. In the true acceptance of the term, the alliance will be *HOLY*. The cause is common and the stake mighty. Common therefore be the confederacy, and vigorous the attack! Nor let the effort cease, until victory is complete. When a black-leg or a gentleman gambler meets a youth, whom he wishes to ensnare, he does not ask for his religious creed. It matters not to him, whether he be a Catholic, a Jew, an Episcopalian, a Presbyterian, a Baptist, a Methodist, or a Nothingarian. His only object is to know whether he can allure him to play, and rifle him of his means. Against the common foe, then, I would again invoke all religious denominations, and all other classes of the community, who venerate virtue and hold vice in abhorrence, to join in the warfare, and triumph is certain. But if they persevere in their rancorous contests with one another, or, folding their arms, indulge in supineness, I tell them emphatically, that degradation and deep injury, if not ruin, await us.

A few remarks more to the Members of the Medical Class generally, and I am done.

The Professors of the Medical Department of this University, deem it a duty, while they count it a pleasure, to take a lively concern in the entire interests and welfare, of those who resort to the institution for instruction. In a special

manner they feel it enjoined on them to watch over the morals and means of subsistence of young men, most of them inexperienced in the world, and not a few of them, for the first time, removed to a distance from their parental homes, and from the guardianship of those, on whom they have heretofore relied for protection and counsel. Under these circumstances it was found, that, besides being seriously injured in their habits, youths suffered occasionally heavy losses, by the nefarious arts and machinations of black-legs, but much more frequently, and in a higher degree, by the allurements held out to them, and the frauds practised on them, by GENTLEMEN GAMBLERS. It was to guard against these evils, that the Anti-gambling Society of Transylvania was instituted. Nor has the measure been in vain. As already stated to you, the influence of the Society has been salutary and gratifying, to an extent that was hardly anticipated by its founders. The fell designs of gamesters were defeated, their hopes of fraudulent gain disappointed, and gambling among the pupils was entirely prevented. The beneficial effects of these results, now and in after times, to individuals, families, and society at large, neither language can recount, nor numbers compute. They are incalculable and inexpressible. They may be felt for ages to come, as preventives of crime, and prove instrumental in averting sorrow, suffering, and ruin, from unborn millions.

A very large proportion of the Medical Class of last winter became members of the Society; and it is earnestly recommended, that the present class do the same. Nor is a doubt entertained, that the recommendation will be complied with. To become a member of the Society costs nothing, and may save much. Though no pupil will be censured for withholding himself from the institution; yet to join it will be regarded as a commendatory act. Of one truth important to you, be confidently assured. Gambling is an utter disqualification for a Medical degree in Transylvania University. No one known to be concerned in the vice will ever wear the HONOURS of this Department. *They* must wave only over the brow of *honesty and virtue, talent and science*. And the gaming table tends to the ruin of them all. To conclude:

In the form and spirit of a corollary from the premises laid down, I close with the declaration, that, whenever, wherever, and by whomsoever practised—whether in private families, public hotels, watering-place cabins, or other places of rendezvous deeper in infamy—and whether by black-legs, heads of families, or “gentlemen of the sport”—under all circumstances that accident can furnish, or fancy concieve, **GAMBLING IS KNavery!**—and therefore a badge of **IMMORALITY, DISHONOUR, AND CRIME!**

APPENDIX: A.

I am fully aware of the opposition I shall be likely to encounter, sharpened perhaps by a spirit of censure, on account of my advocacy of the measures adopted to quell the recent conspiracy in the State of Mississippi. As long, however, as my present views shall continue, no consideration of the kind can move me from my course, or make me falter in the pursuit of it. I believe that in the then existing state of things, the people of Mississippi could not have found *certain* safety in the slow operation of the laws of the land. Such unquestionably was their own opinion. And I know of no obligation they were under to jeopard the lives and fortunes of thousands of the virtuous, innocent and industrious, from a regard to what may be *miscalled* the rights and privileges of a band of idle, predatory, and blood-thirsty ruffians, who, by an unbroken tenor of profligacy and crime, had already *forfeited* their rights, in common with their claims on human sympathy; and who were prepared to embark in a new scene of guilt and horror, far surpassing all the atrocities they had previously committed. Under such circumstances, I further believe, that the people were fully justified in obeying the impulse of *self-defence*, and in *destroying the guilty*, as by far the *best*, if not the *only* means of protecting the innocent—of preventing conflagration and blood, the violation of females, and the final triumph of all the base and malignant passions, and of securing the peace and tranquility of the State. In the consideration and solution of this vexed and agitating question, three points are to be specially held in view—that the danger apprehended was real—that the usual operation of law was too slow, or too feeble, or both, to meet the crisis—and that the persons arrested and executed were guilty of the crimes alleged against them. Were the Mississippians immediately concerned in the matter, entirely satisfied on these three points? *They were*. Not a doubt existed in their minds with regard to either of them. They did nothing from motives of barbarity, or an abstract love of blood. No suspicion of the kind can attach to the individuals who were engaged in the proceedings. By the law of self-defence, therefore, I say, they were perfectly justified in the measures they adopted. An opinion the opposite of this would lay good men at the mercy of the spoiler and the murderer. At least, all sufficient preventive means would be neglected through its influence, and the bursting of the storm, which might have been easily averted, would be awaited in apathy and comparative inaction. But the difference between the prevention of an evil, and the arresting of it when already in motion, is too well known to need exposition. The one is usually easy, the other always difficult—often impossible. Even admitting the possibility that the people of Mississippi were mistaken in some of their views, still were they

justified in their conduct; because they acted under a conviction that their information was correct, and their fears well founded. And it will hardly be questioned that, from their full knowledge of facts and circumstances, they were the most competent judges--certainly much more competent, than persons at a distance, entirely ignorant of things as they existed. In truth, they were the only qualified judges in the case; and to have referred to others their right to judge and decide, would have been folly in them. At least it would have been palpable injustice to themselves.

It may be accounted one of the peculiar characteristics of the time we live in, that a wider and deeper sensation is often produced in the public mind, by the violent death of a few felons, than by that of threefold the number of honest and virtuous men. In the late disturbances in the State of Mississippi, about eight or ten black-legs, horse-thieves, and robbers met the cord, without being condemned to it by a *Fashionable* process of law. They were not, I mean, regularly arraigned in courts of justice, where *bribed* and *conscienceless* lawyers might make unprincipled efforts, through the trickery of their profession, to procure their acquittal, and let them loose on society again, to continue their career of guilt, under fairer prospects and higher encouragement. No; from a thorough conviction, on the part of those most competent to judge, that their further enjoyment of life was wholly incompatible with the welfare of society, they were brought promptly to justice, and suffered the death they had long deserved. Yet I repeat, that the fate of those culprits has produced, in the United States, a deeper sensation, and a more intemperate disapproval, than would the assassination *by them* of threefold their number of orderly, honest, and useful citizens have done. In proof of this, we may confidently cite the massacre perpetrated a few years ago, by rebellious slaves, in the state of Virginia. The number butchered on that occasion, a large proportion of them being women and children, amounted, I think, to *upwards of fifty*. Yet the excitement and clamour produced by the catastrophe were far inferior to the uproar that has prevailed, on account of the *few* executions in Mississippi. The Virginia massacre, after having been the subject of attention for a few weeks, was suffered to repose in silence and oblivion. But declamation on the Mississippi executions would seem to be endless. Yet no one will contend, that the violation of law in the latter case was more palpable than in the former; while the violence done to justice and humanity was infinitely less. Indeed, it has never, I believe, been alleged, that, in the death of the Mississippi felons, either justice or humanity was violated at all. On the contrary, it has been universally acknowledged that the offenders *deserved to die*. The mode of their death has alone been complained of. They did not receive a technical trial. A jury of *twelve men* did not pronounce them *guilty*—and they did not die by a *commissioned hangman*! No; but more than *twelve times twelve thousand* men did so pronounce them. In fact, every one acquainted with their characters and crimes pronounced them guilty—and they suffered under the hands of those they would have assassinated. Hence they died *justly*, though not *according to art and usage*. The *form only* is condemned, while the *substance is approved*. But, in the case of the Virginia massacre, *form* and *sub-*

stance were alike atrocious. Why, then, is the latter outrage suffered to sleep and be forgotten, while the former is bruited, commented on, and condemned, throughout so large a portion of our country? Well might it be said, in the words of the dramatist, that "there is something more than natural in this, if our philosophy could find it out".

We are told, indeed, that the proceedings in Mississippi are of bad example, and should therefore have been avoided. I deny the charge. Under *similar circumstances*, the example would be *salutary*, and ought to be followed. It is the *abuse* or *perversion* of it that can prove injurious. It is where violence is done to person or life, in *dissimilar* cases, where no plea of *necessity* or even *utility* exists, that the example is bad, and its effects pernicious. Should another insurrection of slaves be impending, originally hatched and fomented by white men, and to be led and consummated by them, when mature—in such a case the leaders should be consigned in a similar manner to a similar fate, that the conspiracy might be the more certainly crushed, and its havock prevented. This, however, offers no plea for mobs and lawless violence, in other parts of our country, where no danger or necessity exists, to justify such measures. Because a few villainis, whose existence threatened the well-being of the state, were unceremoniously executed in Mississippi, that affords no reason, why peace and order should be violated, property wasted, and life endangered and destroyed, by mobs and riots, in various parts of the country, where no plea of necessity or usefulness exists. From such a source, nothing but sophistry, folly, or sinister design would contend that a product so different could issue—a product the very reverse of its cause. Because an assemblage of enlightened and orderly, industrious and peaceable men put to death, without the usual formalities of law, a few notorious malefactors, rather than suffer their property to be wasted, their own lives and those of their families endangered or destroyed, and the peace and the well-being of the community subverted—because they thus defend themselves and others from violence and pillage, their proceeding furnishes no good reason, why, without any motive, of either danger to themselves, or usefulness to others, a band of ruffians should engage in the wanton depredations and outrages of a mob. Yet such would seem to be the perverted logic of those who condemn the Mississippi executions.

Although the comparison has been made, there is no similarity between the proceedings in Mississippi, and the mob-work in the cities of the east and north. With no justice, therefore, I say, can the former be said to give either example or encouragement to the latter. The intention of the Mississippi measures was to preserve peace, property and valuable life; that of the eastern and northern riots, to endanger and destroy them. Nor was there any thing in Mississippi that could be denominated *a mob*. That means a riotous assemblage of low and reckless ruffians, whose object is to insult and injure those who move in a higher sphere, and enjoy a better condition in society. But the assemblages in Mississippi were every where those of the intelligent, moral, and wealthy inhabitants, who had much of *reputation* and *fortune* at stake, in array against the profligate and degraded, who were *beggars in both*; and whose purpose it was to acquire property and destroy life, in defiance alike of the law

of earth, and the ordinances of Heaven. I confidently repeat, therefore, that they furnish neither type, example, nor countenance to the mobs and riots of the Atlantic cities. A charge of the kind against them is groundless and unwarrantable, and can proceed only, as already mentioned, from ignorance, thoughtlessness, or evil design.

The executions in Mississippi most generally and deeply condemned, were those of Vicksburg. Yet that they were justifiable may be easily made appear. The culprits who suffered had long been a scandal to the place, and a curse to the inhabitants. They had made beggars first, and gamblers afterwards of many respectable and promising young men—and had reduced whole families to indigence and agony. They belonged, moreover, as was confidently believed, to the blood-thirsty gang, that had conspired with rebellious slaves, to desolate the country. Being ordered, on these grounds, to leave Vicksburg, and prey on the inhabitants no longer, they contumaciously refused, took possession of a house, which they held as a *fortress*, and bade defiance to the authorities of the town. They were five in number. In an attempt made by the citizens to dislodge or apprehend them, they murdered Dr. Bodley, a young man rising rapidly to eminence in his profession, distinguished for his personal prowess and decision, respected for his high moral standing, and endeared to his fellow citizens by the warm and generous qualities of the friend and philanthropist, and the courteous and polished manners of the gentleman. The door of the strong-hold was forced, and in entering it, the Doctor fell, pierced in the chest with seven bullets, from which it appeared sufficiently plain, that each offender in the house had fired, and was justly considered guilty of murder. In this state of things, had the assembled citizens returned the fire with such effect as to shoot dead the whole banditti, no censure would have been passed on them, on account of the deed. Instead of this, they broke through the defences of the assassins and made them prisoners; and, while their hands were yet stained with the blood of their victim, consigned them to a more appropriate, because a more ignominious death. This summary act, with a few others somewhat similar, which soon afterwards followed, in other places, did more to quell the meditated insurrection, and dissipate the danger which hung over the State, than scores or even hundreds of judicial trials would have done. The conspirators were promptly driven from the country, and the people reposed in security and peace. Nor were the measures productive of any form of mischief or inconvenience. No tumult or disorder followed them. Far from it. In truth they were calculated to discourage and prevent all forms of popular outrage, by clearly demonstrating that they would not be tolerated. At the first appearance of the late Baltimore riots, a similar degree of energy and decision, by the friends of order, would have saved that city from pillage and disgrace. And the same is true of the mobs in Philadelphia, New York, Charlestown, and elsewhere in the east. A few examples of the leading rioters promptly made, would have dispersed the remainder and restored tranquility.

Respecting the executions that took place in all other parts of Mississippi, except Vicksburg, they were conducted conformably to the slave-laws of the State. But it will not be contended (assuredly it *ought not*) that the white conspi-

rators had any claim to be distinguished from the *black*—except by a more stern and ignominious punishment. They were infinitely the more base in their motives, and the more criminal in their designs. They were consequently more degraded. The blacks were actuated by a longing after freedom—a sentiment for which some excuse may be found—in our *feelings* at least, if not in our judgment. But the whites were urged on by lust, a spirit of rapine, and a thirst for blood—the most atrocious of the human passions. In all but colour and form, they had assimilated themselves to the slaves, and had sunk far below them in baseness and crime. In justice, therefore, as well as in conscience, they had forfeited all the privileges of freemen. Instigators of a *servile war*, and destined to be chiefs in it, they deserved to be tried and executed by the same laws with the slaves they were to lead—or even by severer ones, had any such existed. Voluntary associates in guilt, it was with strict propriety that the black and white conspirators were made associates also in their forms of trial, as well as in their execution. It was justice to convict them by the same process, suspend them to the same limb, and bury them in the same *dishonored grave*.

Shall I again be told, as I already have been, that no injury could have resulted to the Mississippians, from the brief delay of subjecting the culprits to a formal trial in courts of justice? I reply, that this is, at best, but a begging of the question. It is a mere *conjecture*, and cannot be advanced as a fact, or a ground of argument, by those who mean to argue fairly. It is not only weightless—it is inadmissible in the discussion. Who were best qualified to judge, whether injury might result from the “law’s delay”?—the Mississippians on the spot, fully apprized of all the facts and circumstances of the case?—or the citizens of other and distant States, entirely ignorant of them? These questions answer themselves. None but the Mississippians were competent to decide in a matter so momentous to them, and understood only by themselves. They believed that the danger which threatened them could be met and averted by no other means than those they resorted to. And, until their fellow citizens at a distance can prove the contrary, it becomes them to be silent, or withhold their censures. It cannot be denied in reason or justice, that those who found themselves in the midst of danger, from no fault of their own, were perfectly justifiable in adopting such measures and means of defence and safety, as they conscientiously believed were alone sufficient.

Admit that the subsequent disclosures had convinced, or should hereafter convince the inhabitants of Mississippi, that they might have awaited in safety judicial proceedings, instead of acting with such promptness and severity. Even that would not justly convict them of a *fault*. It would only show that they had *erred in judgment*. In the measures they adopted, they were sincere and honest. Their design was humane and virtuous. No abstract desire of blood, I repeat, had possession of them. On the contrary, their aim was to prevent the effusion of blood, by the punishment and defeat of those who were plotting it. They had detected traitors in the camp, in the guise of friends. They were entirely justifiable, therefore, in treating them as traitors. A “drum-head” trial was all they deserved.

I am aware that these sentiments will be likely to bring down on me the fashionable cry of "mob-law"! But I am equally aware, that fashion and folly are often identical. Nor would it be easy to persuade me, that the present case furnishes an exception to the rule.

Did an assemblage of the talents and wisdom, virtue and good order of Vicksburg, calmly executing a gang of murderers, constitute a "mob"? or could that term of reproach be justly applied to a collection of the most respectable citizens of Nashville, deliberately punishing a reckless *abolitionist*, for endeavouring to excite an insurrection among their slaves—a measure, by which they meant to save his life, and did save it, from the vengeance of a wronged and justly indignant people? It would hardly have been safe for their boldest condemner, to have entered either of those assemblies, and pronounced it a "mob." In truth, neither of them bore any more resemblance to the mobs that disgrace some other parts of our country, than virtue bears to vice, good order to riot, or a confederacy to *preserve* life and property to a confederacy to *destroy* them. Their object was to prevent mobs; and they produced the effect. The mob-scenes that have since occurred, I say, bore no likeness to them, in either character, intent, or action. The inference, therefore, that they have been produced, or in any way influenced by them, is unreasonable and groundless—not to use a stronger term, and call it *absurd*.

The Mississippians are, to the full amount, as humane and moral, merciful and conscientious, as those who condemn them. In the measures they adopted, they meditated neither illegal nor immoral deeds. Their design was to punish the guilty, and save the innocent, in the only *certain* way that presented itself. And they were successful. The wretches whom they punished *were* guilty, and deserved death—a truth which no one has had the hardihood to deny. And, the issue was, peace, security, and relief of mind, to a deeply alarmed and distracted community. I have ventured, therefore, to become their advocate, notwithstanding the legal quibbles, the nice distinctions and special pleadings, and the scruples of morbidly tender consciences, that have been arrayed against them. Nor do I shrink from the judgment of an enlightened public in aught I have already said, or in confidently adding, that, when the law of the land is insufficient to protect us, we must look into our own NATURE, the work of a wise and BENEFICENT CREATOR, take counsel there, and become a law to ourselves. In such a case, moreover, we must judge for ourselves, and not submit to the judgment of the uninformed.

That many, if not most gentlemen of the bar will differ from me in the sentiments here set forth, is scarcely to be doubted. Nor is it difficult to assign some reasons for such difference. Bred, as they are, to view every thing belonging to the economy of civil life with a *legal* eye, and to think of it under *legal* habits and influences, it is not wonderful in them to believe that no felon should, *in any case*, die *but by the law*. The wonder perhaps would be, that they should think otherwise. Their feelings are *professional*, and their thoughts *professional*; they are trained, therefore, to believe, that the trial and execution of all *capital offenders* should be *professional*, and according to precedent and art. Precedent is their cynosure, from which they rarely deviate, and deem

it little less than sinful to do so. Were I to add, that they have a pecuniary *interest* in *professional* and *regular trials*, and wish them always to prevail, *because of that interest*, (for they subsist by it), I would only express my belief, that they are human beings, possessed of like propensities with other men. Nor do I mean this remark as either disrespectful or condemnatory toward them. All professional men are *technical*, and *savour* of their *profession*. Of lawyers this is as true as of others. They see things through a *law medium*, which communicates to them a *law cast, colour, and character*. Their strong-hold is *logic* and *law*. In these they may be often advantageously consulted and suffered to direct. But not altogether so, in matters of *expediency, general fitness*, and *common sense*. For *them*, their minds are seldom sufficiently untrammelled and liberalized. In such concerns, educated, enlightened, and practical men, who are *not professional*, are usually the soundest judges, and the safest guides. And of this description were the men, who chiefly directed and led in the Mississippi arrests and trials, decisions and executions. And to their judgment, on such an occasion, it is safer I say to trust, than to the judgment of lawyers. In a word, the state of Mississippi was so near the brink of a servile war, that, until the danger was past, she was clearly justifiable in acting on the maxim, "*inter arma silent leges*".

Finally; gentlemen of the bar are like other professional and technical characters: most of them have two consciences and two judgments, one as *lawyers*, the other as *men*; and they can use either, as circumstances require. On the late dangerous conjuncture in Mississippi, most, if not all of them, that were on the spot and apprized of the danger, are understood to have laid aside their *law judgments* and *consciences*, or to have made them submit to their judgments and consciences as *men*, and to have approved of the measures of safety pursued. Nor do I know that they have since revoked their decisions. I believe they have not. Had lawyers belonging to other States, and other men of tender consciences, who have so loudly complained, and so deeply condemned, been in Mississippi, at the time, they would have done the same. Had even the venerable Judge Marshall been alive, and a resident of that State, I conscientiously believe he would have concurred in the proceedings. His great mind would have mastered his law prejudices, and made them yield to *necessity* and *common sense*. Such a step would have been worthy of him.

